

FILED

APR 19 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KENNETH THUNDERBIRD,

CV. 08-1404-PK

Plaintiff,

ORDER

v.

STATE OF OREGON, et al.,

Defendants.

PAPAK, Magistrate Judge.

Currently pending before the court are plaintiff's motion for reconsideration of (#68) and amended objection to (#70) the court's prior order granting defendants' second motion for extension of time to answer plaintiff's amended complaint. In addition, plaintiff has filed a motion for sanctions (#74) alleging defendants' filed their second motion for extension of time for purposes of delay, to increase litigation costs, and to harass plaintiff. Plaintiff's motions are without merit. The court was clearly within its discretion to grant defendants' motion and

plaintiff has presented no credible evidence supporting his motion for sanctions.

Plaintiff also moves for reconsideration (#78) of the court's order granting defendants' motion to copy and inspect plaintiff's medical and mental health records. Plaintiff objects to the court's order on the basis that the defendants have not answered, the records contain confidential and privileged information, plaintiff has not received a complete copy of his records, and defendants do not need the records to prepare an answer. Plaintiff's contentions notwithstanding, this court routinely grants the state's motions to copy and inspect an inmate's medical and mental health records when, as is true here, the inmate raises claims in his complaint which put his medical and mental health condition at issue. Accordingly, plaintiff's motion (#78) is denied.

CONCLUSION

For the reasons set forth above, plaintiff's Motions for Reconsideration (#68 & #78), Amended Objection to the Court's Order (#70), and Motion for Sanctions (#74) are DENIED.

IT IS SO ORDERED.

DATED this 19th day of April, 2010.



Paul Papak
United States Magistrate Judge